

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3030
LAND AND WATER CONSERVATION FUND (LWCF) GRANT PROGRAM

Section

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AUTHORITY: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860] and the Land and Water Conservation Fund Program (36 CFR 59 and 72).

SOURCE: Adopted at 2 Ill. Reg. 45, p. 176, effective November 11, 1978; codified at 5 Ill. Reg. 10671; amended at 7 Ill. Reg. 8779, effective July 15, 1983; amended at 10 Ill. Reg. 13249, effective July 30, 1986; amended at 14 Ill. Reg. 6149, effective April 17, 1990; amended at 16 Ill. Reg. 1816, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 26 Ill. Reg. 935, effective January 15, 2002; amended at 27 Ill. Reg. 753, effective January 6, 2003; amended at 47 Ill. Reg. 16477, effective November 2, 2023.

Section 3030.5 Definitions

Applicant or Project Sponsor - means the eligible political subdivision or public agency within the State of Illinois to which funds from the LWCF Program may be transferred.

Department - means the Illinois Department of Natural Resources.

Director - means the Director of the Illinois Department of Natural Resources or any representative lawfully delegated the authority to act for the Director.

LWCF - means the federal Land and Water Conservation Fund grant program as authorized by the federal Land and Water Conservation Fund Act of 1965, as amended.

NPS - means the National Park Service, United States Department of the Interior.

Project - means any project or project stage approved for Land and Water Conservation Fund Program assistance.

(Added at 26 Ill. Reg. 935, effective January 15, 2002)

Section 3030.10 Statutory Basis of Grant Program

- a) The Federal authority for the grants programs is stated in Section 1(b) of the Land and Water Conservation Fund Act of 1965, as amended (16 USC 4601-4). The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by: providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities; and providing funds for the Federal acquisition and development of certain land and other areas.
- b) The State authority for the grants-in-aid program is stated in Sections 1-5, Outdoor Recreation Resources and Facilities Act [20 ILCS 860/1-5].

(Source: Amended at 26 Ill. Reg. 935, effective January 15, 2002)

Section 3030.20 Eligibility

- a) Agencies eligible for assistance under the LWCF grant program are any unit of local government with statutory authority to acquire, develop and maintain lands for public outdoor recreation purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest preserve districts.
- b) Grant assistance may be obtained for land acquisition costs (fee simple title or permanent easement, etc.) for public park and/or conservation purposes. The LWCF grant program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Except, for jurisdictions having populations exceeding 2 million residents, maximum grant awards to any one project in a given year are limited to \$750,000 for approved land acquisition projects. Counties serving a population exceeding 2 million residents are eligible for up to \$1.15 million in annual LWCF grant funding for approved outdoor recreation acquisition projects. Municipalities with a population exceeding 2 million are eligible for up to \$2.3 million in annual LWCF

grant funding for approved projects. Eligible projects include, but are not limited to, acquisition of land for the following:

- 1) general park purposes such as community and neighborhood parks and playfields;
 - 2) frontage on public surface waters for recreation use;
 - 3) open space/conservation purposes to protect floodplains, wetlands, natural areas, wildlife habitat and unique geologic or biologic features; and
 - 4) additions to such areas.
- c) Acquisition of land from another public agency (excluding school districts) is not eligible for LWCF grant assistance.
- d) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into without Department approval unless done in accordance with State statute.
- e) No grant awards shall be awarded for the acquisition of land that will not be available for general public outdoor recreation use.

(Amended at 27 Ill. Reg. 16477, effective November 2, 2023)

Section 3030.30 General Procedures for Grant Applications and Awards

- a) A completed project application for assistance must be submitted by the local project sponsor to DNR in accordance with a schedule publicly announced annually by DNR.
- b) Information and instructions necessary for making application for LWCF assistance (OSLAD/LWCF Local Participation Manual) may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, telephone: 217/782-7481.
- c) The project application, as described in the OSLAD/LWCF Grant Program Local Participation Manual, consists of the following basic information, at a minimum:

- 1) applicant's name, address and telephone number;
- 2) information on the supply of existing public park acreage and recreation facilities located within the project sponsor's (applicant) jurisdiction;
- 3) an itemized proposed project description and cost estimate;
- 4) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits, proposed usages and method of financing or accomplishing the project;
- 5) project location map, site plat (boundary) map and proposed development plan;
- 6) project environmental evaluation, including:
 - A) State Historic Preservation Officer review;
 - B) Endangered and Threatened Species Impact review;
 - C) Wetland Impact review;
 - D) U.S. and Illinois Department of Agriculture Prime Farmland Impact review; and
 - E) State and Areawide Clearinghouse review (Executive Order 12372);
- 7) a commitment of title insurance or other means of reviewing title for the project property planned for acquisition;
- 8) verification that the applicant has the resources to initially finance and subsequently develop and manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project;
- 9) a signed certification statement indicating the project sponsor (applicant) has not been debarred or suspended from federal grant-in-aid assistance;
- 10) copy of Federal Emergency Management Agency (FEMA) flood map for project area;

- 11) indication of project conformance to local, regional and State comprehensive outdoor recreation plans; and
 - 12) name and qualifications of two State licensed appraisers who potentially will be used to appraise the project property's value.
- d) Failure to submit a correct and complete application by the publicly announced application deadline date will result in project rejection for that particular grant cycle (year).
 - e) Awarding of grants will be on a competitive basis (Section 3030.40) and is under authority of the Director of the Department of Natural Resources.

(Source: Amended at 27 Ill. Reg. 753, effective January 6, 2003)

Section 3030.40 Selection Criteria

The following factors are used by the Department in evaluating and recommending local project applications for funding assistance consideration (see Appendix A):

- a) Statewide Outdoor Recreation Priorities – 60%
 - 1) Department Statewide Priorities – 35%

Projects are evaluated in terms of their ability to address major outdoor recreation and conservation issues identified by the Department in its Statewide Outdoor Recreation Plan. These include, but are not limited to, natural area and wetland preservation, protection of endangered/threatened species and critical habitat resources, conservation education, creation of greenways and long distance trail corridors, water-based recreation, recreation for disadvantaged populations and adaptive re-use/redevelopment of urban lands, including brownfields. These priorities are listed in the Department's OSLAD/LWCF Local Participation Grant Manual; Illinois Department of Natural Resources Division of Grant Administration, One Natural Resources Way, Springfield IL 62702-1271.
 - 2) Statewide Local Needs Assessment – 25%

Determination of local need is based on a comparison of:

 - A) existing local supply of recreation facilities per capita to the statewide median for those facilities as identified in the Department's Statewide Outdoor Recreation Plan; and

- B) existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median and/or to locally adopted standards. Recreation needs based on project service area are also given consideration.
- b) Project concept and site characteristics – 25%
The project proposal is evaluated in terms of the site's physical and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; compatibility with adjacent land uses; environmental intrusion on the site; impacts to cultural and natural resources; and the overall recreational diversity provided by the project.
- c) Local Planning – 10%
The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local recreation and/or open space plan identifying the proposed project as a priority. Consideration is also given for unique recreation opportunities not specifically identified in a local plan but having documented widespread public support.
- d) Other Considerations – 5%
Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban areas; involving private donations; representing economic revitalization efforts; or from applicants not previously benefitting from LWCF assistance.
- e) Penalty Factors – (deduct up to 15%)
Consideration is given to the applicant's past performance in completing LWCF or other Department grant projects or unresolved project violations, ability to properly maintain the project site, and failure to cooperate with the Department in completing the Illinois Recreation Facilities Inventory (IRFI).
- f) Project Application Review and Grant Award:
Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with the established evaluation criteria after which final recommendations are forwarded to the Director for LWCF grant approval.

(Source: Amended at 47 Ill. Reg. 16477, effective November 2, 2023)

Section 3030.50 Compliance Requirements

- a) The local project sponsor is required to enter into a grant project agreement with

the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.

- b) Grant funds allocated by the Department to a local project sponsor under the Federal Land and Water Conservation Fund program shall be expended in accordance with all applicable federal and State statutes.
- c) Property acquired with funding assistance from the LWCF program shall be operated and maintained in perpetuity for public outdoor recreation use as set forth in this Part and the LWCF Act. Property acquired with LWCF assistance may not be converted to a use other than public outdoor recreation use as provided in this Part and 36 CFR 59 (2001; no incorporation by reference in this Part includes later amendments or editions) without Department and NPS approval. Approval for property conversion will be granted in accordance with the LWCF Program (36 CFR 59).
- d) The acquisition cost or fair market value of real property acquired with LWCF assistance shall be based on an independent appraisal completed by a State licensed/certified general appraiser and submitted to the Department by the local project sponsor. The appraisals will be reviewed by the Department for acceptance and compliance with standard federal appraisal guidelines.
- e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all property acquired and funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
 - 1) proof of good faith negotiations or fair market value offer to land seller;
 - 2) copy of property deed and title insurance policy showing ownership transferred to the local project sponsor (or Judgment Order in the case of eminent domain); and
 - 3) proof of payment to seller.
- f) Eligible Project Costs

Project costs eligible for grant assistance shall be determined upon the basis of the criteria set forth in the federal Land and Water Conservation Fund Grants-in-Aid (U.S. Department of the Interior, National Park Service "LWCF Grant Manual" Release #151, dated December 9, 1991) and DNR's OSLAD/LWCF Local Participation Manuals.

g) Project Termination

- 1) The State may unilaterally rescind project agreements at any time prior to project commencement if federal funds are rescinded. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local project sponsor. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
- 2) Failure by the local project sponsor to comply with the terms of the Land and Water Conservation Fund program or to make satisfactory progress in completing the approved project per terms of the signed grant agreement shall be cause for the suspension of all DNR's obligations under the agreement.
- 3) Failure by the project sponsor to comply with the terms of the grant agreement shall not be cause for the suspension of all Land and Water obligations if, in the judgment of the Director, the failure was due to no fault of the local project sponsor.

h) Conflict of Interests

- 1) No official or employee of the project sponsor who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Land and Water project shall have any financial or other personal interest in any such contract or subcontract.
- 2) No person performing services for the local project sponsor in connection with an approved Land and Water project shall have a financial or other personal interest, other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Land and Water project. No officer or employee of a person retained by the local support sponsor shall have any financial or other personal interest in any real property acquired under an approved Land and Water project unless that interest is openly disclosed upon the public records of the local project sponsor, and such officer, employee or person has not participated in the acquisition for or on behalf of the local support sponsor.

i) Financial Records

The local project sponsor shall maintain legible financial accounts, documents, and records that accurately support project costs claimed for grant reimbursement, and shall make them available to the Director, NPS, the federal Department of the Interior, and to the U.S. General Accounting Office for auditing during regular business hours. The accounts, documents, and records shall be retained by the local political subdivision for five years following project termination.

j) Use of Facilities

- 1) The project sponsor shall not at any time convert any property acquired through the LWCF program to other than the public outdoor recreation uses specified in the project proposal without approval of the Department and Director of NPS (per 36 CFR 59).
- 2) The project sponsor shall operate and maintain, or cause to be operated and maintained, property or facilities acquired through the LWCF program in the manner and according to the standards set forth in the federal Land and Water Grants-in-Aid Manual.
- 3) The project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the LWCF-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the LWCF lands and/or facilities shall be used for the improvement of those lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the LWCF facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

k) Nondiscrimination

- 1) The local project sponsor shall not discriminate against any person on the basis of race, color, national origin, handicap or age in the use of any property or facility acquired with LWCF grant assistance.
- 2) The local political subdivision shall comply with 36 CFR 59, promulgated by the U.S. Secretary of the Interior.
- 3) The local political subdivision shall not discriminate against any person on

the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Reasonable differences shall mean that fees charged to non-residents cannot exceed twice the amount charged to residents. When residents are not charged, but non-residents are charged, the non-resident fee cannot exceed fees charged for residents at comparable State or local public facilities having a fee system.

- l) The local project sponsor shall permanently post an LWCF acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- m) Projects assisted with LWCF grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations pertaining to the public expenditures.
- n) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims arising under, through or by LWCF-assisted facilities.
- o) In connection with and prior to the construction, and the subsequent operation and maintenance, of LWCF-assisted facilities, the project sponsor is responsible for obtaining any and all necessary construction permit, licenses or forms of consent required by law. Failure to obtain any required permits may jeopardize approved grant funding.
- p) The Department shall have access to LWCF-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
- q) The project sponsor shall certify that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].
- r) Pursuant to 775 ILCS 5/2-105(a)(4), the project sponsor shall certify that it has a written sexual harassment policy that includes, at a minimum, the following information:
 - 1) the illegality of sexual harassment;
 - 2) the definition of sexual harassment under State law;

- 3) a description of sexual harassment, utilizing examples;
- 4) the contractor's internal complaint process, including penalties;
- 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
- 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

(Source: Amended at 27 Ill. Reg. 753, effective January 6, 2003)

Section 3030.60 Land and Water Conservation Fund Information

Write: Illinois Department of Natural Resources
Division of Grant Administration
One Natural Resources Way
Springfield, IL 62702-1271

Telephone: 217/782-7481
e-mail: grants@dnrmil.state.il.us

(Source: Amended at 27 Ill. Reg. 753, effective January 6, 2003)

Section 3030.APPENDIX A Project Evaluation Criteria

STATEWIDE RECREATION PRIORITIES(35%)

Preservation/management of natural areas, wetlands, endangered and threatened species sites; preservation/improvement of wildlife habitat areas; conservation education; water-based recreation opportunities; preservation of greenways and long-distance trail corridors; intergovernmental cooperation benefitting recreation; and improvement of recreation opportunities for disadvantaged populations.

STATEWIDE LOCAL RECREATION NEEDS (25%)

Facility need based on comparison of existing local supply to statewide median.

Acquisition Project (0 - 5 points)
(none, some, majority or all facilities of high need)

Existing supply of available local recreation acreage compared to statewide median for local agencies or locally identified standard per local plan. An evaluation of the types of park acreage available (park system balance) between community parks and neighborhood (walk to) parks is evaluated based on the guideline that approximately 80% of local acreage should be devoted to community park facilities and 20% to neighborhood(walk to) parks.

Acquisition Projects (0 - 10 points)

Specific Project "Service Area" (0 - 10 points)

Neighborhood Park

(highest priority: 1/2 mile service radius)

(2nd priority: 1/4 mile service radius)

(lowest priority: overlapping service areas)

Community Park

(highest priority: 1st such park within 2 mile radius)

(2nd priority: 1st park within 1 mile radius)

(lowest priority: similar facility in service area)

County/Regional Park (multi-community service area)

(Note: physical barriers restricting travel are taken into consideration.)

Exceptions within this category:

(project prevents loss of existing facility)

(project represents unique opportunity with public support or protects important natural areas)

PROJECT JUSTIFIED BY LOCAL PLAN (10%)

Identified as priority in local plan

Acquisition Project (0 - 8 points)

Evidence of "direct" public involvement in project/plan

Acquisition Project (0 - 2 points)

PROJECT CONCEPT AND ENVIRONMENTAL SUITABILITY (25%)

Site Suitability(0 - 12 points)

access to site (vehicular/pedestrian, parking, etc.)

environmental factors and impacts

adjacent land use compatibility

safety issues

Site Design/Concept (0 - 13 points)

recreational diversity, including multi-season use
adequate support facilities
diversity of age groups benefiting
site aesthetics and design
site impacts on adjacent land uses
facility cost/benefit assessment

OTHER CONSIDERATIONS (5%)

land or cash donation or volunteer involvement
high-density urban population areas
project part of community economic redevelopment initiative
grant "fair share" distribution factor
project by newly created agency

PROJECT PENALTIES (up to 15 point deduction or possible ineligibility)

poor past grant performance or "unresolved" project violation
evidence of poor facility maintenance by agency
failure to cooperate with Department in supplying Illinois Recreation Facilities Inventory data
necessary application "follow-up" response time unsatisfactory

(Source: Amended at 27 Ill. Reg. 753, effective January 6, 2003)